

May 10, 1995

ADMINISTRATION — H.C.R. 44, H.B. 1271 (Amended)

FINANCE — C.S.S.B. 101

NATURAL RESOURCES — S.B. 1709, S.B. 1639, H.B. 2875, H.B. 2505, H.B. 3075, H.B. 2245, H.B. 1381, H.B. 344, H.B. 1957, S.B. 1704 (Amended), C.S.H.B. 2587, C.S.H.B. 280

ECONOMIC DEVELOPMENT — S.B. 1694 (Amended), C.S.S.B. 1398, C.S.S.B. 1696, C.S.H.B. 2128

INTERGOVERNMENTAL RELATIONS — C.S.H.B. 2078, H.B. 160 (Amended), H.B. 2069 (Amended), H.B. 2696, C.S.H.B. 814, H.B. 1559, C.S.S.B. 1253, H.B. 2943 (Amended), H.B. 1770 (Amended), H.B. 2687, H.B. 2168 (Amended), H.B. 3061, H.B. 1824, H.B. 635, S.B. 1705, H.B. 2842, H.B. 1899, C.S.S.B. 879

SENT TO GOVERNOR

(May 10, 1995)

S.B. 28

S.B. 771

S.B. 779

S.B. 833

S.B. 927

S.B. 1125

S.B. 1126

SIXTY-NINTH DAY

(Thursday, May 11, 1995)

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Nicholas M. Ibarra, Chaplain, Brackenridge and St. David's hospitals, Austin, offered the invocation as follows:

Almighty and ever-living God, You are the fountain and source of all power. We humbly pray You to direct the thoughts, words,

and actions of Your servants gathered here today. Bless and empower them to serve faithfully and effectively in the role to which You graciously called them.

Omnipotente y sempiterno Dios, Tu eres la causa y fuente de todo poder. Te pedimos humildemente que dirijas los pensamientos, palabras y acciones de Tus siervos reunidos aqui hoy. Bendice los y dales la virtud deservir fiel y efectivamente en la capacidad en que Tu graciosamente los has llamado.

We pray in the name of our Lord, Jesus. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-SPONSOR OF HOUSE BILL 865

On motion of Senator Zaffirini and by unanimous consent, Senator Moncrief will be shown as Co-sponsor of **H.B. 865**.

CO-SPONSOR OF HOUSE BILL 867

On motion of Senator Zaffirini and by unanimous consent, Senator Gallegos will be shown as Co-sponsor of **H.B. 867**.

CO-SPONSOR OF HOUSE BILL 1345

On motion of Senator Zaffirini and by unanimous consent, Senator Moncrief will be shown as Co-sponsor of **H.B. 1345**.

MESSAGE FROM THE HOUSE

House Chamber
May 11, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 2341** by a record vote of 136 Ayes, 1 Nay, and 1 Present-not voting.

H.B. 158, Relating to authorizing the provision of state financial assistance to the Civil Air Patrol, Texas Wing, to support the wing's disaster-related activities.

H.B. 170, Relating to the requirement that certain child support payments be forwarded by electronic funds transfer.

H.B. 387, Relating to the jurisdiction of certain justice courts.

H.B. 391, Relating to the availability of motor vehicle accident reports.

H.B. 505, Relating to certain acts of public accountants.

H.B. 1065, Relating to the practice of property tax consulting.

H.B. 1194, Relating to the establishment, certification, organization, and regulation of dental provider organizations and dental provider plans.

H.B. 1243, Relating to requirements for certain insurers and health maintenance organizations concerning financial solvency.

H.B. 1289, Relating to a reporting requirement applicable to certain financial institutions; providing a civil penalty.

H.B. 1358, Relating to the appraisal for ad valorem tax purposes of open-space land used for wildlife management.

H.B. 1359, Relating to road construction, repair, and maintenance in certain areas controlled by the Parks and Wildlife Department.

H.B. 1384, Relating to the purchase and sale of certain fish taken from fresh water in certain counties.

H.B. 1425, Relating to business organizations.

H.B. 1547, Relating to weight, length, and hours of operation restrictions on certain vehicles.

H.B. 1604, Relating to the regulation of emergency medical services providers and of training programs for those providers.

H.B. 1620, Relating to licensing fees of veterinarians.

H.B. 1728, Relating to negotiable instruments and bank deposits and collections, including a revision of Chapter 3 of the Uniform Commercial Code.

H.B. 1798, Relating to the creation of a panel with authority to approve the release of the state's interest in land in certain circumstances.

H.B. 1823, Relating to regulation by the Parks and Wildlife Department of the taking of marl, sand, gravel, shell, or mudshell; providing penalties.

H.B. 1859, Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

H.B. 1988, Relating to the insurance rates and policy forms for certain lines of insurance and to certain administrative hearings conducted regarding those rates.

H.B. 2022, Relating to the construction of laboratory and office facilities for the Texas Department of Health; granting authority to issue a bond.

H.B. 2241, Relating to certain election processes and procedures.

H.B. 2243, Relating to election precincts and polling places; providing a criminal penalty.

H.B. 2247, Relating to the transfer of the University of Central Texas to The Texas A&M University System.

H.B. 2401, Relating to certain estate, guardianship, and trust matters.

H.B. 2496, Relating to funding of mass transportation projects.

H.B. 2593, Relating to rates for commercial windstorm and hail insurance coverage through the Texas Catastrophe Property Insurance Association.

H.B. 2603, Relating to the liability of certain volunteer fire departments.

H.B. 2658, Relating to the name, function, and duties of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

H.B. 2758, Relating to the provision of municipal services in an annexed area.

H.B. 2771, Relating to pyramid promotional schemes; providing penalties.

H.B. 2812, Relating to student fees to support intercollegiate athletics at a public institution of higher education.

H.B. 2890, Relating to the management of the Edwards Aquifer.

H.B. 2944, Relating to solid waste disposal fees.

H.B. 2945, Relating to the state's source reduction and recycling goal and labeling of certain fertilizer.

H.B. 3101, Relating to application of usury laws to certain purchases of accounts receivable.

H.B. 3111, Relating to the delivery of health care by certain nonprofit health corporations.

H.B. 1385, Relating to the limitation and termination of annual cost recovery fees for regional water quality assessments.

H.B. 3189, Relating to the board of directors of the Edwards Aquifer Authority and the management of the Edwards Aquifer.

H.B. 11, Relating to participation by victims in certain criminal proceedings, restitution for victims, and training for officers who deal with victims; providing a penalty.

H.B. 43, Relating to civil liability for stalking.

H.B. 127, Relating to implementation of the National Voter Registration Act of 1993 and to related election processes and procedures; providing criminal penalties.

H.B. 269, Relating to the redundant reporting of information within the criminal justice information system.

H.B. 359, Relating to breast-feeding in public or private places, including worksites.

H.B. 561, Relating to the disclosure of ownership and management of certain rental property.

H.B. 603, Relating to the issuance of a qualified domestic relations order to clarify or modify a final divorce order that provides for the division of a pension or other retirement benefits.

H.B. 1023, Relating to regulation of end stage renal disease facilities; providing penalties.

H.B. 1056, Relating to prohibiting smoking and the provision of tobacco products in county jails and other county correctional facilities; providing a penalty.

H.B. 1074, Relating to the presumption for theft by check after the issuance of a stop payment order.

H.B. 1418, Relating to liability insurance requirements for certain child care facilities.

H.B. 1457, Relating to review of enforcement of the federal fair housing laws in this state.

H.B. 1487, Relating to the investigation, prosecution, and punishment of the offense of insurance fraud.

H.B. 1706, Relating to the management and powers of and collection of taxes for certain industrial development corporations.

H.B. 1964, Relating to the issuance of permits by the Parks and Wildlife Department for the conservation, protection, and management of certain wildlife resources; providing penalties.

H.B. 2187, Relating to coordination between The University of Texas at Tyler and other institutions of higher education.

H.B. 2226, Relating to the authority of a law enforcement officer commissioned by the Department of Public Safety to wear a uniform purchased from the state while providing law enforcement services for entities other than the department.

H.B. 2239, Relating to certain early voting processes and procedures; providing criminal penalties.

H.B. 2337, Relating to the eligibility for unemployment compensation benefits of certain employees of educational institutions.

H.B. 2370, Relating to revival of a dormant judgment.

H.B. 2382, Relating to the training of food service workers.

H.B. 2383, Relating to the regulation of retail food stores, food service establishments, mobile food units, and roadside food vendors.

H.B. 2451, Relating to the regulation of alcoholic beverages and imposing a limit on the number of package store permits that may be issued in a county.

H.B. 2523, Relating to the prevention of Medicaid fraud; imposing civil penalties.

H.B. 2569, Relating to the investigation of child abuse and the protection of the interests of a child who is the subject of a child abuse investigation or a suit affecting the parent-child relationship or who is under the jurisdiction of the Department of Protective and Regulatory Services.

H.B. 2588, Relating to the establishment of rural and urban transit districts.

H.B. 2614, Relating to the jurisdiction of peace officers.

H.B. 2660, Relating to area agencies on aging and the coordination of their planning and services within their health and human services regions.

H.B. 2845, Relating to the powers, functions, authority, and duties of the Automobile Theft Prevention Authority.

H.B. 2960, Relating to the liquidation of insolvent insurers, the commissioner of insurance in his statutory capacity as receiver, and the insurance guaranty associations.

H.J.R. 30, Proposing a constitutional amendment authorizing the commissioner of the General Land Office to issue mineral patents for certain university fund land held in good faith under color of title for at least 50 years.

H.J.R. 69, Proposing a constitutional amendment to allow peace officers to serve as notaries public.

H.J.R. 74, Proposing a constitutional amendment limiting debt payable from the general revenue fund.

H.J.R. 75, Proposing a constitutional amendment to authorize the voters of a school district to adopt or determine the amount of a residence homestead exemption from ad valorem taxation by the district.

H.J.R. 80, Proposing a constitutional amendment to abolish the office of constable in Mills County.

H.J.R. 106, Proposing a constitutional amendment to extinguish a taxpayer's liability for delinquent ad valorem taxes following a tax sale.

H.J.R. 131, Proposing a constitutional amendment providing for the constructive election of an unopposed candidate to a municipal office.

S.C.R. 139, Honoring Major General William Edgar Murphy and naming the Texas Army National Guard/Reserve Center in Lubbock the William Edgar Murphy Guard/Reserve Center.

H.B. 2510, Relating to regulation of certain irrigators and irrigation system installers.

H.J.R. 14, Proposing a constitutional amendment requiring consent for use of and compensation for damages to private property and releasing property owners from liability to persons using property without consent.

H.B. 1905, Relating to enforcement of a motor vehicle warranty.

H.B. 2517, Relating to contractual indemnification provisions in motor carrier contracts.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

SENATE RESOLUTION 1012

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pride in honoring Barbara Bush, the most famous mother in Texas, on Mother's Day, May 14, 1995; and

WHEREAS, Beloved and admired throughout the nation, Barbara Bush is a special treasure to the citizens of Texas, and Mother's Day is an appropriate opportunity to express our gratitude to her for her many contributions to our state; and

WHEREAS, Dedicated to her life as a homemaker and as the wife of former President George Bush, Barbara Bush is well known for her outstanding work as the former First Lady of the United States and as the proud mother who raised Texas Governor George W. Bush, Jeb Bush, Neil Bush, Marvin Bush, and Dorothy Bush; she is also a revered grandmother to 13 grandchildren; and

WHEREAS, A woman of remarkable energy and resourcefulness, Barbara Bush has managed to successfully balance her active role as wife, mother, and grandmother and her role as a nationally known figure with a vigorous commitment to a wide range of social issues; and

WHEREAS, An advocate for volunteer, community, and corporate support of our school systems and a lifelong lover of books, Mrs. Bush has worked fervently for the promotion of literacy and reading and for the betterment of the educational opportunities in our state and country; and

WHEREAS, A woman of vision and insight, Mrs. Bush believes that many of America's social, economic, and political problems are linked to a lack of literacy, and she has spent much of her life helping to increase public awareness of our nation's literacy needs; and

WHEREAS, She has participated in hundreds of literacy events across the United States, has been an enthusiastic supporter of intergenerational literacy programs, and serves as Honorary Chairman of the Barbara Bush Foundation for Family Literacy; and

WHEREAS, An individual of many talents and interests, Mrs. Bush has appeared on "Mrs. Bush's Story Time," a national radio program emphasizing the importance of reading aloud to children, and she has written two books, *C. Fred's Story* and *Millie's Book*, the proceeds of which benefit adult and family literacy programs; and

WHEREAS, An ardent supporter of programs throughout the state and nation that help children and strengthen families, Mrs. Bush was an honorary chairman of The National Committee for Prevention of Child

Abuse, the National Committee for Adoption, the National SAFE KIDS Campaign, and the Hispanic Family of the Year Foundation; she is honorary chairperson of the Leukemia Society of America, Incorporated, and was an honorary board member of the Children's Oncology Services of Washington, D.C., Incorporated; and

WHEREAS, A distinguished lady who is valued by all for her tremendous warmth, poise, and charm, Barbara Bush is a cherished friend, mentor, and leader to countless citizens across the country, and her strong, independent voice and her many accomplishments are a special source of pride to the citizens of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby express appreciation to Barbara Bush for her inspirational leadership and her exceptional achievements and send sincerest best wishes to her on May 14, 1995; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Nelson, the resolution was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate His Excellency George W. Bush, Governor of Texas, First Lady of Texas, Laura Bush, and her mother, Jenna Welch.

The Senate welcomed its distinguished guests.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1716

S.B. 1717

S.B. 1718

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 1716 by Nixon

Jurisprudence

Relating to the creation of a judicial district composed of Henderson County.

S.B. 1717 by Wentworth

Intergovernmental Relations

Relating to certain matters concerning municipal regulation of property development.

S.B. 1718 by Armbrister Natural Resources
Relating to the protection of the San Marcos River; providing civil and
criminal penalties.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read
first time and referred to the committees indicated:

H.C.R. 107 to Committee on Natural Resources.
H.J.R. 72 to Committee on Finance.
H.J.R. 82 to Committee on State Affairs.
H.B. 145 to Committee on Criminal Justice.
H.B. 179 to Committee on Criminal Justice.
H.B. 334 to Committee on Natural Resources.
H.B. 341 to Committee on State Affairs.
H.B. 375 to Committee on Intergovernmental Relations.
H.B. 581 to Committee on Criminal Justice.
H.B. 690 to Committee on State Affairs.
H.B. 819 to Committee on Jurisprudence.
H.B. 871 to Committee on Health and Human Services.
H.B. 925 to Committee on Natural Resources.
H.B. 1189 to Committee on Jurisprudence.
H.B. 1274 to Committee on Jurisprudence.
H.B. 1388 to Committee on Jurisprudence.
H.B. 1399 to Committee on State Affairs.
H.B. 1454 to Committee on Intergovernmental Relations.
H.B. 1510 to Committee on Finance.
H.B. 1574 to Committee on Jurisprudence.
H.B. 1619 to Committee on State Affairs.
H.B. 1744 to Committee on Finance.
H.B. 1805 to Committee on Criminal Justice.
H.B. 1809 to Committee on Economic Development.
H.B. 1846 to Committee on Intergovernmental Relations.
H.B. 1875 to Committee on Intergovernmental Relations.
H.B. 1922 to Committee on State Affairs.
H.B. 1924 to Committee on State Affairs.
H.B. 1930 to Committee on Criminal Justice.
H.B. 1976 to Committee on State Affairs.
H.B. 2023 to Committee on State Affairs.
H.B. 2034 to Committee on Intergovernmental Relations.
H.B. 2035 to Committee on Criminal Justice.
H.B. 2039 to Committee on Natural Resources.
H.B. 2042 to Committee on Jurisprudence.
H.B. 2129 to Committee on Finance.
H.B. 2152 to Committee on Jurisprudence.
H.B. 2275 to Committee on Finance.
H.B. 2304 to Committee on State Affairs.
H.B. 2307 to Committee on Economic Development.

H.B. 2432 to Committee on Intergovernmental Relations.
H.B. 2492 to Committee on Economic Development.
H.B. 2518 to Committee on State Affairs.
H.B. 2520 to Committee on State Affairs.
H.B. 2656 to Committee on Economic Development.
H.B. 2662 to Committee on Criminal Justice.
H.B. 2803 to Committee on Economic Development.
H.B. 2843 to Committee on Natural Resources.
H.B. 2861 to Committee on Health and Human Services.
H.B. 2893 to Committee on Economic Development.
H.B. 2926 to Committee on Intergovernmental Relations.
H.B. 2949 to Committee on Criminal Justice.
H.B. 2951 to Committee on Criminal Justice.
H.B. 2952 to Committee on Economic Development.
H.B. 3073 to Committee on Jurisprudence.
H.B. 3082 to Committee on Natural Resources.
H.B. 3121 to Committee on Jurisprudence.
H.B. 3185 to Committee on Natural Resources.
H.B. 3197 to Committee on Criminal Justice.
H.B. 3198 to Committee on Intergovernmental Relations.
H.B. 3203 to Committee on Jurisprudence.
H.B. 3214 to Committee on Jurisprudence.
H.B. 3225 to Committee on Intergovernmental Relations.
H.B. 3227 to Committee on Jurisprudence.

(Senator Truan in Chair)

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

S.B. 409	S.B. 1154
S.B. 415	S.B. 1236
S.B. 770	S.B. 1633
S.B. 1070	

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Michael Lipshen of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Lipshen and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Brown was recognized and introduced to the Senate a delegation of students from the Philippines sponsored by the Rotary International Foundation.

The Senate welcomed its guests.

(President in Chair)

CONFERENCE COMMITTEE ON HOUSE BILL 815

Senator Cain called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **H.B. 815** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on **H.B. 815** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Cain, Chair; Montford, Bivins, Shapiro, and Barrientos.

SENATE BILL 701 WITH HOUSE AMENDMENT

Senator West called **S.B. 701** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 701** on page 3 between lines 1 and 2 by inserting a new Subsection (d) as follows and relettering subsequent subsections:

(d) Appointments under Subsections (b) or (c) must be made from a list of nominees filed with the city manager by the Grand Prairie Municipal Court Nominations Advisory Committee. The Grand Prairie Municipal Court Nominations Advisory Committee shall be composed of representatives of the following organizations: the Mexican-American Bar Association, the J.L. Turner Bar Association and the Grand Prairie Bar Association. The Grand Prairie Municipal Court Nominations Advisory Committee may meet as necessary. The city shall provide appropriate facilities and support staff to allow the Grand Prairie Municipal Court Nominations Advisory Committee to conduct proceedings in an efficient and expeditious manner.

The amendment was read.

Senator West moved to concur in the House amendment to **S.B. 701**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 870 WITH HOUSE AMENDMENT

Senator Madla called **S.B. 870** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 2

Amend S.B. 870 as follows:

(1) On page 3, by striking lines 2-18, and substitute the following:

(3) A person commits an offense if the person violates Section (2) of this article. An offense under this section is a Class C misdemeanor.

(4) A person who violates Section (2) of this article may be prosecuted under Section (3) of this article or may be subject to the penalties provided under Chapter 8 of this title and any civil penalties that the Consumer Credit Commissioner may assess, but is not subject to both prosecution under Section (3) and the penalties.

(5) In each advertisement that purports to offer credit subject to the statutes listed by Section (1), Article 2.02A, of this title, the advertiser shall disclose the legal or properly registered name of the advertiser and the physical address of the advertiser's place of business unless the advertisement is located on the premises of the advertiser's place of business or the advertisement is broadcast by radio or television. If the advertisement is broadcast by radio or television, the advertiser shall disclose the legal or properly registered name and the telephone number of the advertiser and shall comply with the applicable disclosure requirements of Regulation Z (12 C.F.R. 226.1 et seq.). This section does not apply to a federally insured depository institution or to a person engaged in interstate commerce who advertises under a generally recognized trade name, abbreviated form of a trade name, or logo.

(2) Strike Sections 3 and 4 of the bill.

(3) Renumber the remaining sections accordingly.

The amendment was read.

Senator Madla moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on S.B. 870 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Madla, Chair; Ellis, Moncrief, Lucio, and Truan.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Claudia Morton and Carey Baxter of the Texas School for the Deaf, who were each awarded a \$1,000 scholarship from the Governor for a Day fund-raiser.

The Senate welcomed its guests.

(Senator Truan in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:01 a.m. announced the conclusion of morning call.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1564 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1564, Relating to the enhancement of international trade by granting an exemption from taxation of certain property owned by a navigation district, a port authority, or a municipality that operates a public port.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1564 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1564** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1709 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1709, Relating to the validation of certain acts of, including the exclusion of land from, the El Paso County Water Authority.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1709 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1709** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(Senator Lucio in Chair)

SENATE BILL 698 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 698, Relating to the statute of limitations for the offense of securing execution of a document by deception.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 698 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 698** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 434 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 434, Relating to the appellate process for applicants and recipients of certain state-administered assistance programs.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 434 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 434** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 101 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 101, Relating to the payment of an ad valorem tax under protest.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 101 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 101** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 879 ON SECOND READING**

Senator Barrientos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 879, Relating to the composition of the workforce in certain fire departments.

There was objection.

Senator Barrientos then moved to suspend the regular order of business and take up **C.S.S.B. 879** for consideration at this time.

The motion was lost by the following vote: Yeas 17, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Barrientos, Cain, Ellis, Gallegos, Galloway, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Rosson, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris, Haywood, Leedom, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Wentworth.

Absent: Armbrister.

BILL AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

**H.B. 383
H.C.R. 188
H.C.R. 199**

(Senator Truan in Chair)

**SENATE CONCURRENT RESOLUTION 137
ON SECOND READING**

On motion of Senator Haywood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 137, Declaring support for the death penalty for a capital felony.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1214 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1214, Relating to the registration of and reporting by charitable organizations; providing penalties.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1214** as follows:

(1) Between "registered" and "under this Act", insert "or exempt from registration" in Paragraph (C), Subdivision (1), Subsection (a), Section 3 of SECTION 1 of the bill. (committee printing page 1, lines 51-52).

(2) Add the following at the end of Paragraph (C), Subdivision (1), Subsection (a), Section 3 of SECTION 1 of the bill:
"Authorization of volunteers to solicit is not required to be in writing and may be in the form of a blanket authorization for a group of volunteers." (committee printing page 1, line 52).

(3) Add the following at the end of Section 3, of SECTION 1 of the bill:

"(e) A request that a contribution to a named charitable organization be made in lieu of flowers in an obituary is not a solicitation for the purposes of this ACT." (committee printing page 3, line 1).

(4) Between "501(c)(3)" and "of the Internal Revenue", insert ", 501(c)(4), or 501(c)(10)" in Subdivision (1), Subsection (a), Section 4 of SECTION 1 of the bill (committee printing page 3, line 6).

(5) Between "and the dates" and "and", insert "or a notation that the solicitation is of a continuing nature" in Paragraph (B), Subdivision (10), Subsection (a), Section 6 of SECTION 1 of the bill (committee printing page 4, line 33).

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 1214** as follows:

(1) On page 6, delete lines 19 through 27.

(2) Renumber the subsequent provisions.

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 1214 as follows:

Strike Section 15 of SECTION 1 of the bill and substitute the following:

"Sec. 15. VENUE. An action under this Act shall be brought in a court of competent jurisdiction in Travis County, in the county in which the charitable organization has its principal office, or in the county in which solicitation occurred." (committee printing page 6, lines 50-55).

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1214 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1214 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator West, joined by Senator Ellis, was recognized and introduced to the Senate a delegation of members of the Alpha Kappa Alpha Sorority, San Antonio chapter.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a delegation of Phi Beta Kappa members from Southwest Texas Junior College in Uvalde.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate a group of fourth-grade students and their teachers from Robert E. Lee Elementary School in Austin.

The Senate welcomed its guests.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1362 ON SECOND READING**

Senator Wentworth asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1362, Relating to the purposes for which a county correctional center may be used.

There was objection.

Senator Wentworth then moved to suspend the regular order of business and take up **C.S.S.B. 1362** for consideration at this time.

The motion was lost by the following vote: Yeas 19, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brown, Cain, Galloway, Harris, Haywood, Henderson, Leedom, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner, Wentworth.

Nays: Barrientos, Ellis, Gallegos, Lucio, Luna, Moncrief, Rosson, Truan, West, Whitmire, Zaffirini.

Absent: Madla.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 879 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 879, Relating to the composition of the workforce in certain fire departments.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 879** as follows:

On page 1, beginning on line 18 delete "with the approval of the recognized employee association", and

On page 1, line 23, after the word "municipality" add the following: "and the recognized employee association"

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 879 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 879** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1362 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1362, Relating to the purposes for which a county correctional center may be used.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1362 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1362** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 151

Senator Cain offered the following resolution:

S.C.R. 151, Declaring Thursday, May 11, 1995, as Wood County Day at the State Capitol.

The resolution was read.

On motion of Senator Cain and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate a delegation of county officials from Wood County, here in honor of Wood County Day.

The Senate welcomed its guests.

(Senator Truan in Chair)

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of students from St. James Parochial School in Seguin.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator West, on behalf of Senator Barrientos, was recognized and introduced to the Senate a group of fourth-grade students and their teacher, Ms. Keller, from Kocurek Elementary School of Austin.

Senator West also introduced a group of sixth-grade students and their teacher, Ms. Garret-Jones, from H.S. Thompson Elementary School of Dallas.

The Senate welcomed its guests.

AT EASE

The President at 11:08 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 11:54 a.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

House Chamber

May 11, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 532, Relating to the retainage of payments for a contract to improve a state highway. (As amended)

H.C.R. 201, Honoring Mayor Haden Edwards McKay, M.D., of Humble.

H.C.R. 197, Recognizing May 11, 1995, as Wood County Day at the Capitol.

Respectfully,

Cynthia Gerhardt, Chief Clerk

House of Representatives

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate a group of students and their teachers from Sherman Elementary School of Houston.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Brown was recognized and introduced to the Senate a group of students and their teacher from Brazosport Christian School in Lake Jackson.

The Senate welcomed its guests.

SENATE BILL 1237 ON THIRD READING

Senator Armbrister moved that the regular order of business be suspended and that **S.B. 1237** be placed on its third reading and final passage.

S.B. 1237, Relating to smoking in public places and places of employment; providing criminal penalties.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Armbrister, Barrientos, Brown, Cain, Gallegos, Galloway, Harris, Henderson, Lucio, Luna, Madla, Montford, Nelson, Nixon, Patterson, Rosson, Shapiro, Sibley, Turner, Wentworth, West, Whitmire.

Nays: Bivins, Ellis, Haywood, Leedom, Moncrief, Ratliff, Sims, Truan, Zaffirini.

The bill was read third time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1237** as follows:

Strike Subsection 165.009(b) and substitute "(b) This chapter does not preempt an amendment to a local ordinance, rule, or regulation adopted at any time which brings the ordinance, rule, or regulation into conformity with this chapter or which removes a prohibition on smoking in the local ordinance, rule, or regulation. An amendment striking a prohibition may establish criteria relating to the previously prohibited activity which exceed those of this chapter."

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

Floor Amendment No. 2 was not offered.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 3

Amend **S.B. 1237**, as amended on second reading, SECTION 1, subsection 165.004(12) inserting the following between "official," and "except", "or an officer of the state" and between "official" and "as", "or an officer of the state,".

Amend **S.B. 1237**, as amended on second reading, SECTION 1, subsection 165.005(b) inserting the following between "official" and "may", "or an officer of the state" and between "official" and ".", "or an officer of the state".

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

The bill as again amended was finally passed by the following vote: Yeas 18, Nays 13.

Yeas: Armbrister, Brown, Cain, Gallegos, Galloway, Harris, Henderson, Lucio, Luna, Madla, Montford, Nelson, Nixon, Patterson, Rosson, Turner, West, Whitmire.

Nays: Barrientos, Bivins, Ellis, Haywood, Leedom, Moncrief, Ratliff, Shapiro, Sibley, Sims, Truan, Wentworth, Zaffirini.

SENATE BILL 1119 ON THIRD READING

Senator Bivins moved that the regular order of business be suspended and that **S.B. 1119** be placed on its third reading and final passage.

S.B. 1119, Relating to the application of the doctrine of forum non conveniens.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Bivins, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Wentworth, Zaffirini.

Nays: Barrientos, Cain, Ellis, Gallegos, Luna, Rosson, Truan, Turner, West, Whitmire.

Absent: Brown.

The bill was read third time and was finally passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Cain, Ellis, Gallegos, Luna, Rosson, Truan, Turner, West, and Whitmire asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Armbrister in Chair)

GUESTS PRESENTED

Senator Moncrief was recognized and introduced to the Senate a group of fourth-grade students and their teacher from White Lake School in Fort Worth.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1343 ON SECOND READING**

Senator Ellis asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1343, Relating to the establishment and operation of a healthy start/healthy families program.

There was objection.

Senator Ellis then moved to suspend the regular order of business and take up **C.S.S.B. 1343** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Harris, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Rosson, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Galloway, Haywood, Leedom, Nelson, Nixon, Ratliff, Shapiro, Sibley.

Absent: Brown.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 1343 at Sec. 46.002(a) (committee printing, page 1, line 41) to delete the phrase "families and children" and substitute in its place "single mothers and their children".

Amend C.S.S.B. 1343 at Sec. 46.004(a) (committee printing, page 2, line 23) to insert the phrase "to single mothers" after the phrase "of all births".

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by the following vote:
Yeas 20, Nays 9.

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Rosson, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Galloway, Harris, Haywood, Leedom, Nelson, Nixon, Shapiro, Sibley.

Absent: Brown, Ratliff.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1343 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1343 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 9. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Ratliff, Rosson, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Galloway, Harris, Haywood, Leedom, Nelson, Nixon, Shapiro, Sibley.

Absent: Brown.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Bivins submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be a Member of the TEXAS GUARANTEED STUDENT LOAN CORPORATION BOARD OF DIRECTORS: Dr. Jerry Don Miller, Randall County.

To be Members of the BRAZOS RIVER AUTHORITY BOARD OF DIRECTORS: Deborah H. Bell, Taylor County; Hulen M. Davis, Waller County; Lynn Elliott, Grimes County; C. J. "Jack" Farrar, Hamilton County; Ramiro A. Galindo, Brazos County; Horace R. Grace, Bell County; Everet E. Kennemer III, Brazoria County; Lec M. Kidd, Yoakum County; David F. Lengefeld, Hamilton County; Linda Kay Lyle, Hale County; Johnoween Smyth Mathis, Robertson County; Ruth Schiermeyer, Lubbock County; Judith Vernon, Coryell County.

To be a Member of the TEXAS LOTTERY COMMISSION: Harriet Ellan Miers, Dallas County.

To be Members of the TRINITY RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: Dr. Horace Perry Flatt, Kaufman County; Valerie Freeman, Dallas County; Michael P. Heiskell, Tarrant County; William H. Hodges, Walker County; Jo Ann Jenkins, Ellis County; William M. Key, Henderson County; A. Dawn Knight, Madison County; Denny K. Kramer, Tarrant County; Maurice L. Locke, Liberty County; Troy E. Nash, Trinity County; H. Gene Reynolds, Jr., Freestone County; Wanda White Stovall, Tarrant County; Douglas Lee Sumrall, Anderson County; F. L. "Louie" Thompson, Leon County.

To be Members of the COMMISSION ON JAIL STANDARDS: Judge Larry T. Craig, Smith County; Cloyd Onis Hadnot, Tyler County; Commissioner J. D. Johnson, Tarrant County; Dr. Manuel Rivera, El Paso County; Marcia White Saunders, Cooke County.

To be JUDGE OF THE NINETY-FIRST JUDICIAL DISTRICT COURT, EASTLAND COUNTY: Steven Ray Herod, Eastland County.

To be a Member of the TEXAS-MEXICO AUTHORITY ADVISORY BOARD: Mark Langdale, Dallas County.

To be Members of the TEXAS MUNICIPAL RETIREMENT SYSTEM BOARD OF TRUSTEES: Stephen W. McCullough, Dallas County; Kathleen Gunn Buehner, Tarrant County; Rick Menchaca, Midland County; Officer Isaac Valencia, Nueces County.

To be a Member of the BOARD OF NURSE EXAMINERS: Iris Snell, Dallas County.

To be Members of the RED RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: Paul F. Engler, Randall County; Diane Mashburn, Childress County; Edna M. Shepherd, Bowie County; Judy Warner, Gray County.

To be a Member of the COMMISSION ON UNIFORM STATE LAWS: Harry L. Tindall, Harris County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Bivins gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

**COMMITTEE SUBSTITUTE
SENATE BILL 1696 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1696, Relating to the creation of development districts in certain counties; authorizing certain taxes.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1696** as follows:

(1) Add at the end of SECTION 1, Sec. 7.01:

(h) A county development district may adopt a tax under this section only if as a result of adoption of the tax the combined rate of all local sales and use taxes imposed by political subdivisions having territory in the district will not exceed two percent. If, as a result of the levy of or increase in a sales and use tax by a municipality in which there is located a district with an existing sales and use tax, or as a result of the annexation by a municipality of the territory in a district with an existing sales and use tax, the overlapping local sales and use taxes in the area within the district will exceed two percent, then the district's sales and use tax rate shall automatically be reduced to a rate that when added to the combined rate of local sales and use taxes will equal two percent. If a district's tax rate is so reduced, the municipality shall make payments to the district equal to the amounts that would have been collected by the district had the municipality not levied or increased its sales and use tax or annexed the area within the district, less amounts that the district collects following the city's levy of or increase in its sales and use tax or annexation of the area within the district. Such payment shall be made by the municipality to the district within 10 days of receipt of the monies from the Comptroller's office and shall continue only for so long as any bonds of the district are outstanding.

(2) Add to SECTION 1 a new Sec. 8.03:

Sec. 8.03. Dissolution of District Upon Agreement with Municipality. A district may be dissolved by agreement between the governing body of a municipality and the board of directors of a district if all of the territory within the district is located within or annexed by the municipality. The agreement shall require the municipality to acquire all of the funds, property, and other assets of the district and assume all contracts, debts, bonds, and other obligations of the district, and the municipality shall be bound in the same manner and to the same extent that the district was bound with respect to such contracts, debts, bonds, and other obligations. Upon dissolution of the district, the taxes levied by the district are abolished.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Ellis, Truan, and West asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1696 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1696** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Turner, Wentworth, Whitmire, Zaffirini.

Nays: Cain, Ellis, Truan, West.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

SENATE BILL 1677 ON SECOND READING

Senator Barrientos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1677, Relating to studying the feasibility of constructing a motion-picture soundstage facility on state-owned property in certain counties and authorizing the construction if it is feasible; making an appropriation.

There was objection.

Senator Barrientos then moved to suspend the regular order of business and take up **S.B. 1677** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Harris, Haywood, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Galloway, Henderson, Nelson, Sibley.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1677** as follows:

On page 3, at the end of line 3, add the following:

"the Comptroller certifies that sufficient funds are available, and the

Governor does not disapprove the action of the Legislative Budget Board within 14 days of its action."

The committee amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend S.B. 1677 by deleting Section 2.

The committee amendment was read and was adopted by a viva voce vote.

Floor Amendment No. 1 was not offered.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 1677 as follows:

On page 1, on line 31 after the word County add the following:

" , or any other state owned property in other counties, and what steps the state and local government may take to encourage the expansion and development of motion picture and television infrastructure in other counties in the state."

On page 1, at the end of line 55 delete the period and add "; and" then add the following paragraphs:

"(8) an evaluation of existing incentives and programs that can or should be provided by state or local government to encourage the expansion of existing soundstage facilities in Texas and the development of new facilities;

(9) an evaluation of if, and the degree to which, a new facility in Travis and Williamson County would compete with any existing soundstage facilities in the state;

(10) the feasibility of building SOUNDSTAGES in production centers currently lacking such facilities;

(11) the feasibility of state assistance in building a studio backlot in conjunction with an existing soundstage;

(12) incentives the state and units of local government could provide for construction of support facilities for motion picture and television production;

(13) incentives for Texas based funding for film and television projects originating in Texas; and

(14) how state marketing could expand current marketing and promotional efforts of existing production centers and facilities."

On page 1, line 57, delete the "and own the" and add:

"own, share ownership, or assist in the development of any"

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1677 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1677 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Sibley asked to be recorded as voting "Nay" on the final passage of the bill.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1334 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1334, Relating to the relationship between landlords and tenants and to the regulation of residential rental locators; providing penalties.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1334** as follows:

(1) In SECTION 1 of the bill, strike proposed Section 92.0081(d), Property Code, as added by the bill (committee printing page 2, lines 46 through 61), and substitute the following:

"(d) A landlord may not intentionally prevent a tenant from entering the leased premises under Subsection (b)(3) unless:

(1) the tenant is delinquent in paying all or part of the rent; and

(2) the landlord has locally mailed not later than the fifth calendar day before the date on which the door locks are changed or hand-delivered to the tenant or posted on the inside of the main entry door of the tenant's dwelling not later than the third calendar day before the date on which the door locks are changed a written notice stating:

(A) the earliest date that the landlord proposes to change the door locks;

(B) the amount of rent the tenant must pay to prevent changing of the door locks; and

(C) the name and street address of the individual to whom, or the location of the on-site management office at which, the delinquent rent may be paid during the landlord's normal business hours."

(2) Strike SECTION 7 of the bill (committee printing page 7, line 37), and substitute the following:

"SECTION 7. This Act takes effect January 1, 1996."

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1334 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1334** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(Senator Truan in Chair)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1398 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1398, Relating to the regulation of certain residential rental locators; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1398 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1398** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Brown and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider **S.B. 1718** today.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Harris announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 7:45 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider the following bills today:

H.B. 1763

S.B. 1703

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate a group of students and their teacher from Laurel Mountain Elementary School in Round Rock.

The Senate welcomed its guests.

MEMORIAL RESOLUTION

S.R. 1026 - By Turner: In memory of Billie Treadway Spies of Brenham.

CONGRATULATORY RESOLUTIONS

S.R. 1023 - By Armbrister: Recognizing the first week of October as German Cultural Awareness Week.

S.R. 1024 - By Armbrister: Recognizing the last full week of October as Czech heritage week.

S.R. 1025 - By Armbrister: Designating the City of Elgin as the Sausage Capital of Texas.

S.R. 1027 - By Turner: Congratulating Cullen Mancuso of Houston on winning the regional United States Small Business Administration award and the state Entrepreneur Success Award.

S.R. 1028 - By Turner: Recognizing Principal John Matlock on the occasion of his retirement from the public education system of Texas.

S.R. 1029 - By Ellis: Congratulating Zach Abramowitz of Harris County on being recognized for excellence in writing in the Scholastic Writing Awards of 1995 Contest.

S.R. 1030 - By Ellis: Congratulating Carla Sabbagh of Harris County on being recognized for excellence in writing in the Scholastic Writing Awards of 1995 Contest.

S.R. 1031 - By Ellis: Recognizing June 16, 1995, as the Day of the African Child.

S.R. 1032 - By West: Congratulating Mayor-elect Ron Kirk of Dallas on his recent victory.

S.R. 1033 - By Barrientos: Commending the May 13, 1995, Letter Carrier Food Drive.

S.R. 1034 - By Barrientos: Recognizing Bobbie June Rasbury on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

S.R. 1035 - By Barrientos: Congratulating Colin Allen Thom of Austin on achieving the rank of Eagle Scout.

H.C.R. 197 - (Cain): Recognizing May 11, 1995, as Wood County Day at the Capitol.

RECESS

On motion of Senator Truan, the Senate at 1:15 p.m. recessed until 7:45 a.m. tomorrow for the Local and Uncontested Bills Calendar.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 10, 1995

HEALTH AND HUMAN SERVICES — H.B. 3171, H.B. 238 (Amended), H.B. 1698 (Amended), C.S.H.B. 1366, H.B. 1408

EDUCATION — H.B. 2495, H.B. 2314, H.B. 2507

HEALTH AND HUMAN SERVICES — H.B. 2094, H.B. 553, H.B. 1345, H.B. 867, H.B. 865, H.B. 1745, H.B. 2021, H.B. 235, C.S.H.B. 1200

CRIMINAL JUSTICE — H.B. 1567, H.B. 949, H.B. 94, S.B. 698, H.B. 1696, S.B. 1267, H.B. 2159, S.C.R. 137, S.B. 881 (Amended), C.S.H.B. 2278, C.S.S.B. 1362, C.S.H.B. 2162

May 11, 1995

FINANCE — C.S.H.B. 2459

ECONOMIC DEVELOPMENT — S.B. 1715

CRIMINAL JUSTICE — S.B. 1708, H.B. 752, H.B. 1204, H.B. 941, S.B. 932

SIGNED BY GOVERNOR

(May 9, 1995)

H.B. 320 (Effective August 28, 1995)
H.B. 335 (Effective immediately)
H.B. 338 (Effective immediately)
H.B. 432 (Effective immediately)
H.B. 750 (Effective September 1, 1995)
H.B. 751 (Effective September 1, 1995)
H.B. 840 (Effective August 28, 1995)
H.B. 856 (Effective immediately)
H.B. 889 (Effective August 28, 1995)
H.B. 1250 (Effective September 1, 1995)
H.B. 1304 (Effective August 28, 1995)
H.B. 1318 (Effective September 1, 1995)
H.B. 1353 (Effective September 1, 1995)
H.B. 1475 (Effective immediately)
H.B. 1529 (Effective September 1, 1995)
H.B. 1907 (Effective August 28, 1995)
H.C.R. 157
H.C.R. 172

(May 10, 1995)

S.B. 403 (Effective June 1, 1995)
S.C.R. 109
S.C.R. 129
S.C.R. 134
H.C.R. 2
H.C.R. 87
H.C.R. 104
H.C.R. 105
H.C.R. 117
H.C.R. 179
H.C.R. 183

SENT TO GOVERNOR

(May 11, 1995)

S.B. 409
S.B. 415
S.B. 770
S.B. 1070
S.B. 1154
S.B. 1236
S.B. 1633